



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

8-6

#12

Applicant(s): Schmitt, et al.

Examiner: Jackson, S.

Serial No.: 09/464,610

Group Art Unit: 3738

Filed: December 15, 1999

Docket: 498-53 CON/RES

For: THINLY WOVEN FLEXIBLE
GRAFT

Dated: July 27, 2001

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AUG 9 2001

OFFICE OF PETITIONS
DEPUTY A/C PATENTS

I hereby certify this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to: Commissioner for Patents, Washington, D.C. 20231

Date:

7/27/01

Signature:

mjmullin / *mjmullin*

Commissioner for Patents
Washington, DC 20231

PETITION UNDER 37 C.F.R. §1.47(a) FOR UNSIGNING INVENTOR

Sir:

The applicant hereby petitions the Commissioner of Patents and Trademarks under 37 C.F.R. § 1.47(a) for an unsigning inventor in order to allow applicants to prosecute the above-referenced application. Enclosed is the requisite fee of \$130.00 set forth in 37 C.F.R. § 1.17(h). Please charge any additional petition fee or credit any overpayment to Deposit Account No. 08-2461.

The following is a Statement of Facts setting forth the circumstances which necessitate this petition.

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In an Office Action dated March 17, 2001, a supplemental reissue oath/declaration under 37 C.F.R. §1.178 was requested by the Examiner. On June 12, 2001, a supplemental reissue declaration was mailed to the inventors, i.e., Mr. Peter J. Schmitt and Mr. Jose Nunez, asking for their execution of the same. A copy of that letter is enclosed.

It should be noted that the letter to Mr. Schmitt was mailed to his current known address of 2 Bubenko Drive, Garnerville, NY 10923. Mr. Schmitt did receive the letter containing the Supplemental Reissue Declaration, but refused to execute the declaration at the direction of his current employer.

On July 17, 2001, a letter was received from Charles W. Calkins, Esq., attorney for Mr. Schmitt. That letter indicates that Mr. Calkins has advised Mr. Schmitt not to execute the Supplemental Reissue Declaration.

While Mr. Schmitt currently refuses to execute the Supplemental Reissue Declaration, it should be noted that he did execute the Reissue Declaration which was submitted with the filing of the present application.

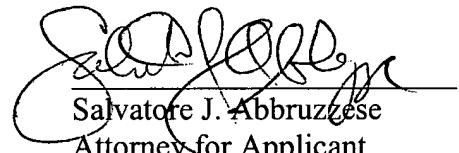
Therefore, this Petition Under 37 C.F.R. §1.47 is submitted to the U.S. Patent and Trademark Office for acceptance of a Supplemental Reissue Declaration for which an inventor refuses to sign. Enclosed herewith are the following documents in support of the Petition:

- (a) The Supplemental Reissue Declaration executed by Mr. Nunez.

- (b) A copy of the June 12, 2001 letter to Mr. Schmitt enclosing the Supplemental Reissue Declaration and requesting execution of same.
- (c) A copy of a letter from Charles W. Calkins, Esq. stating that Mr. Schmitt was advised not to execute the Supplemental Reissue Declaration.

Should the Examiner have any questions or comments concerning the above, the Examiner is respectfully invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,


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